

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL TELECOMMUNICATIONS
AND INFORMATION ADMINISTRATION
WASHINGTON, D.C.

Presidential)
Spectrum Policy) NTIA Docket 040127027-4027-01
Initiative)

WRITTEN COMMENTS
OF THE AMHERST ALLIANCE

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THE AMHERST ALLIANCE has already filed 2 Motions in NTIA's Docket for implementation of the Presidential Spectrum Policy Initiative (PSPI). The first Motion, filed with 20 other parties, sought an extension of the Written Comments period in this Docket. That Motion was denied with breathtaking speed, in less than 2 days.

Amherst's second Motion, which is still under consideration by NTIA, seeks:

(A) Immediate action by NTIA to place in the public record, for review by and input from commenting parties, the Missing-In-Action report on spectrum management that was submitted to NTIA, as part of a formal filing in this Docket, by the Center for Strategic & International Studies (CSIS) of Washington, D.C.;

And

(B) Establishment of a *Reply* Comments period of at least 30 days -- the norm for Federal regulatory bodies -- to permit public comments on the public comments.

THE CORE OF OUR COMMENTS

1. *Possible Shift of the FCC's Regulatory Authority*

(A) Amherst was pleased to see the February 27, 2004 Joint Statement of Assistant Commerce Secretary Michael Gallagher, Administrator of NTIA, and Federal Communications Commission (FCC) Chairman Michael Powell. That Joint Statement appears to accept the continued existence of 47 U.S.C. Section 922: the Communications Act provision which *divides* jurisdiction for spectrum regulation between NTIA and the FCC. While ceding to NTIA authority over uses of spectrum by the Federal Government, that provision reserves for the FCC jurisdiction over -- in the words of the Joint Statement -- "non-federal spectrum uses, *e.g.*, broadcasting, commercial, public safety, and state and local government users."

This is how Amherst wants things to stay.

(B) While the February 27 Joint Statement is extremely heartening, we remain deeply concerned by *earlier* documents in the evolution of the PSPI.

The Executive Memorandum which launched the PSPI -- signed by President Bush on May 29, 2003 and released to the public on June 5, 2003 -- *clearly* directs the Commerce Department to review, and submit to the President recommendations regarding, matters which 47 U.S.C. Section 922 clearly reserves for the FCC. To wit: President Bush directs the Commerce Department to report to him its recommendations for "improving spectrum management

procedures and policies for the Federal Government *and to address State, local and private spectrum use.*" [Emphasis added] These are the very areas of concern which the Gallagher/Powell Joint Statement acknowledges to be -- and implies should remain -- within the jurisdiction of the FCC!

We also stress that the Executive Memorandum assigns no official role to the FCC at all, despite the fact that spectrum uses regulated by the FCC constitute the bulk of the spectrum activity being studied. The farthest that the President goes toward including the FCC is a statement that the Commission is "encouraged to participate" in meetings held by NTIA.

On this extremely crucial point, NTIA's Notice Of Inquiry (NOI) is far less assertive than the President's Executive Memorandum. Nevertheless, the "Summary" Section of the NOI appears to assume, implicitly, that 47 U.S.C. Section 922 should be changed. Indeed, it is written as if 47 U.S.C. Section 922 has *already* been changed!

To wit: The "Summary" Section of NTIA's NOI states that the Commerce Department's "comprehensive review" will "develop recommendations for improving the United States' spectrum management policies regarding *the organizations, processes and procedures affecting Federal Government, State, local and private sector spectrum use.*" [Emphasis added]

For reasons why Amherst believes the regulation of "State, local and private sector spectrum use" should remain with the FCC, please see the ATTACHED letter. It was sent to U.S. President George W. Bush, by AMHERST ALLIANCE President Don Schellhardt, on June 11, 2003. This letter should be treated as part of the publicly viewable record for the present NTIA Docket.

Our *second* deepest concern in this Docket is that NTIA will recommend to President Bush a shift of spectrum regulatory authority from the FCC to the Commerce Department, or to the White House, or to some other decision-making body which is ultimately accountable to only *one* person who represents only *one* political party. To wit: The President, and the President alone.

Our *deepest* concern in this Docket is that the President might attempt to initiate such a policy shift, in whole or in part, by Executive Order, rather than by seeking new legislation from Congress. Such a unilateral move of this nature would be illegal, a "self-inflicted wound" to Executive Branch credibility and a disruption of Constitutional checks and balances.

We strongly urge NTIA to advise the President to retain the current division of spectrum regulation jurisdiction. If the President does not agree, he should be advised to pursue a new arrangement *solely* through the Constitutionally sanctioned practice of proposing new legislation to Congress.

2. *Recommendations On Other Issues In NTIA's NOI*

(A) *Question 10:* The definition of "spectrum efficiency" should include the *efficiency* with which publicly owned airwaves are open to access by all members of American society.

(B) *Question 10:* NTIA and the FCC should revive references to the *full* statutory language of the Communications Act. To wit: The goal is not "*efficient*" use of spectrum, but "*equitable* and efficient" use of spectrum -- with the word "*equitable*" placed *first*. This fact is routinely forgotten.

(C) *Question 12:* "Incentives" for more efficient use of the spectrum should *not* include the establishment of new fees for use of the spectrum by *non-commercial* broadcasters, or even by the struggling handful of surviving *small commercial* broadcasters.

The imposition of auctions for commercial broadcast licenses, initiated by the FCC and then mandated by Congress in the Telecommunications Act of 1996, has been like a plague of locusts upon the land. Auctions and fees have literally turned commercial radio and TV licenses over to the highest bidder, overriding every consideration except revenues for the Federal Government -- and devastating the influence of *local* news and views in the media. Spectrum fees for *non-commercial* radio stations will have the same effect: consolidating the already overwhelming dominance of centralized, Washington-based NATIONAL PUBLIC RADIO over homegrown public radio.

In truth, the mandate for auctions should be repealed -- *at least* in the case of the smallest commercial broadcasters, such as Class A and B radio stations. Spectrum fees for non-commercial broadcasters should be "avoided like the plague".

(D) *Question 24:* Improved receiver performance standards -- including the development and commercialization of "smart antennas" -- could do a great deal to "stretch" the available spectrum. *However*, steps must be taken to ensure that the equipment remains affordable for everyday Americans: to wit, those whom the Federal Government was primarily founded to serve.

(E) *Question 24:* NTIA, the FCC, the NAB and/or others should consider the establishment of Research, Development & Demonstration (R,D & D) "micro-grants" -- for example, \$5 million for grants "capped" at \$100,000 per year or less -- to explore ideas for making routine use of portions of the spectrum which are currently unused or unusable. Possibilities include *infrared broadcasting, millimeter broadcasting and/or longwave AM broadcasting.*

So far, at least, these areas have apparently been too speculative to attract large or even mid-sized investors. However, some individuals and small corporations, with "shoestring" budgets, have expressed an interest. Encouraging their work, with *very modest* financial assistance, could yield enormous benefits for the public over time -- *and* could also help to "grow" some new entrepreneurs, which is one of the stated goals of the PSPI.

Two starting points for further dialogue on "spectrum expansion R,D&D projects" can be identified. Neither one has asked Amherst to mention his name -- or is even aware that we are doing so.

For more information on *infrared broadcasting and/or millimeter broadcasting*, NICKOLAUS E. LEGGETT of Virginia, one of the commenting parties in this Docket and also the holder of 3 patents, should be contacted. He is reachable at nleggett@earthlink.net

For more information on *longwave AM broadcasting*, WILLIAM C. WALKER of WILW RADIO, a Webcaster in Kansas, should be contacted. William also operates KWAQ-AM, a Part 15 AM station, and is a self-educated expert on AM signal ground conductivity. He is reachable at wilw@wilw.com

(F) *Question 24:* Some spectrum expansion can also be achieved *indirectly*, by reversing *the effective contraction of spectrum* due to In Band On Channel (IBOC) Digital Radio. On October 11, 2002, IBOC Digital Radio was authorized, on an "interim" basis, in FCC Docket 99-325. Since IBOC Digital Radio requires 50% more bandwidth than Analog Radio, the approval of IBOC Digital Radio by the FCC will ultimately have the effect of *shrinking the usable radio spectrum by one third*.

THE AMHERST ALLIANCE is not convinced that Digital Radio is needed by, and/or sought by, American radio listeners. Nevertheless, if a shift to Digital Radio is inevitable, there are other Digital Radio technologies which do not have the same impact on radio spectrum availability. IBOC alternatives are EUREKA-147, the newly developed DIGITAL RADIO MONDIALE and -- according to some claims -- the even newer COMPATIBLE AM DIGITAL (CAM-D) technology, which KAHN COMMUNICATIONS of New York has developed for the AM Band.

Amherst and 41 other parties have signed an October 25, 2002 Petition For Reconsideration in FCC Docket 99-325. Despite numerous supplemental filings by these Petitioners -- as well as other Petitions, filed by other parties -- the FCC has yet to grant, deny or otherwise address any of the anti-IBOC filings. Perhaps NTIA can persuade the FCC to take a look.

(G) *Questions 29 and 30:* THE AMHERST ALLIANCE commends NTIA, enthusiastically, for initiating a study of --- and expressing its concerns to the FCC regarding --- the widespread use of Broadband Over Powerlines (BPL) technology.

Interference from BPL --- especially with such vital links as ground-to-air conversations, military messages and emergency information for "first responders" -- is considerable.

As NTIA is aware, the FCC is currently accepting Written Comments on a proposed rule, in FCC Docket 04-37, to establish a regulatory structure for overseeing BPL use. On 3 occasions in 2004 alone, THE AMHERST ALLIANCE has joined with the NATIONAL ANTENNA CONSORTIUM (NAC) and the NORTH AMERICAN SHORTWAVE ASSOCIATION (NASWA) to express its concerns to both the FCC and key Congressional legislators.

In one such document -- a February 29, 2004 letter on the FCC's BPL proposed rule, sent to key Congressional legislators -- these 3 groups were joined by 16 additional parties. The additional parties included CQ AMATEUR RADIO magazine (with a circulation of 50,000) and its parent company, CQ COMMUNICATIONS.

The text of this letter is being placed in the public record for this Docket through a separate filing, headed FIRST SUPPLEMENTAL COMMENTS OF THE AMHERST ALLIANCE.

Amherst urges NTIA to continue to press the FCC for additional study and consideration of BPL interference, plus extreme caution in encouraging it --- at even the current Part 15 power levels.

(H) *Question 34(c):* Action to prevent BPL interference is also clearly relevant to the question of protecting the emergency communications capabilities of "first responders". This is one of several compelling reasons to "fight the good fight" on BPL.

(I) *Question 34(c):* The emergency communications capabilities of "first responders" can also be protected, and even even *expanded*, by ending the total bans which Homeowners' Associations (HOAs) impose on Amateur Radio antennas.

Time and time again, in natural and man-made disasters alike, Amateur Radio Service operators have proven their value in communicating emergency information to "first responders" -- or even acting as "first responders" themselves.

However, an Amateur Radio operator who cannot erect his or her antenna is in no position to help anyone. Across America, in *growing* numbers, neighborhoods have *made themselves more vulnerable to disasters and/or other emergencies* by "handicapping their hams".

For the sake of public safety, *and* national security, these short-sighted, self-destructive HOA antenna bans must end.

With this goal in mind, THE AMHERST ALLIANCE urges NTIA, and indeed the Bush Administration as a whole, to endorse --- and actively advocate -- H.R. 1478, the Amateur Radio Emergency Communications Consistency Act. Introduced by Representative Steven Israel (D-NY), with a bi-partisan group of co-sponsors, H.R. 1478 would temper the excesses of HOAs in the area of antenna regulation.

Under H.R. 1478, Amateur Radio Service operators would *not* be given "a blank check" to erect antennas of any type and/or height, in any location on their property. Still, the FCC would be authorized and directed to require HOAs to provide "reasonable accommodation" of Amateur Radio Service antennas -- permitting them to be erected, subject to *reasonable* conditions.

THE AMHERST ALLIANCE has submitted Written Testimony on this subject for June 2003 Congressional Hearings on "Emergency Communications Needs Of First Responders". We strongly endorsed H.R. 1478 -- but we also urged its expansion to protect shortwave listeners and the CB- using Members of REACT, a group of emergency communications volunteers.

The text of this Written Testimony is being placed in the public record of this Docket through a separate filing, headed SECOND SUPPLEMENTAL COMMENTS OF THE AMHERST ALLIANCE.

CONCLUSIONS

For the reasons set forth herein, THE AMHERST ALLIANCE urges NTIA to:

1. Urge the President to leave alone the current allocation of jurisdiction between NTIA and the FCC

2. If the President insists on pursuing change in the current allocation of jurisdiction between NTIA and the FCC, urge him pursue such change *solely* by proposing new legislation to Congress -- and *not* attempt to do it, in whole or in part, by Executive Order

3. Revive the original Communications Act concept of "*equitable* and *efficient*" allocation of spectrum -- and define "*efficiency*" to include, among other things, access to the public airwaves by all elements of the American public

4. Advise the President *against* the imposition of new spectrum user fees on *non-commercial* and/or *small commercial* broadcasters

5. Recommend new legislation to repeal mandatory auctions for all *small commercial* broadcasters (Class B, Class A, Low Power Radio)

6. Recommend encouragement of developing and commercializing "smart antennas", *provided* the equipment is made affordable for everyday Americans

7. Recommend, *and/or* initiate unilaterally within the Commerce Department, "micro-grants" (for example, a maximum of \$100,000 per year) to small inventors -- to finance R,D&D projects on possible "spectrum expansion" technologies (notably including infrared broadcasting, millimeter broadcasting and/or longwave AM broadcasting)

8. Support revocation, or at least suspension, of the FCC's "interim" authorization of interference-generating In Band On Channel (IBOC) Digital Radio -- pending a *competitive comparison*, including comprehensive testing and evaluation, between IBOC and lower-interference Digital Radio alternatives (EUREKA-147, DIGITAL RADIO MONDIALE and CAM-D technology for the AM Band)

9. Complete NTIA's study of BPL interference and continue to advocate extreme caution in the use of BPL technology

10. Recommend Presidential endorsement of, and *active advocacy* of, H.R. 1478, introduced by Representative Steven Israel (D-NY) --- which would override, in part, Homeowners' Association bans on the use of Amateur Radio antennas (needed for emergency communications to "first responders")

Respectfully submitted,

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Dated: _____
March 18, 2004

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June 11, 2003

President George W. Bush
The White House
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RE: "Spectrum Policy Initiative" -- Per June 5, 2003 Presidential Memorandum

Dear Mr. President,

My name is Don Schellhardt. I am the attorney for THE AMHERST ALLIANCE: a Net-based, nationwide advocacy group which campaigns for greater diversity in media ownership and programming. Our Membership includes current and aspiring Low Power FM Radio broadcasters ... aspiring Low Power AM Radio broadcasters ... Amateur Radio "hams" ... small Webcasters ... and old-fashioned "concerned citizens", fighting to preserve and enhance the free flow of information and ideas in America.

Our group, THE AMHERST ALLIANCE, has some serious concerns regarding your "Spectrum Policy Initiative", as announced in your Presidential Memorandum of June 5, 2003. The Memorandum, and a related "Fact Sheet On Spectrum Management", can be found on the Net at: <http://www.whitehouse.gov/news/releases/2003/06/20030605-4.html>

The Spectrum Policy Initiative is the latest, and potentially the largest, step in a series of actions intended to re-allocate broadcast spectrum from established, licensed users to new, unlicensed commercial users. Other recent actions have included opening of the U.S. military's "L Band" to wireless services, evidently *without* considering the option of using some of it for Eureka-147 Digital Radio ... introduction of legislation, such as H.R. 363 and H.R. 1396, which would *require* the re-allocation of *still more* spectrum to wireless services ... and current FCC proceedings, in FCC Docket 03-104, on possible approval of interference-generating Broadband Over Powerlines (BPL).

Beyond this general concern, our specific concerns with your Initiative include 4 items.

1. The lack of a role for the Federal Communications Commission. Your Initiative is led by the Commerce Department, *not* by the FCC. The FCC is not even represented on the inter-agency Federal Government Spectrum Task Force, as discussed in Section 3 of your Memorandum. There is only a statement, in Section 4, that the FCC "is encouraged to participate" in Workshops, held by the same Task Force to which it does not belong.

Much more than simply inter-governmental etiquette is affected by your decision *not* to provide an integral role for the FCC.

- (a) *Additional dilution of the "public interest" standard for spectrum allocation.* For one thing, the FCC, despite some unfortunate statutory "reforms" of its original mandate, *still* has a legally binding obligation, under what is left of the Communications Act of 1934, to consider "the public interest" -- in certain fairly specific ways -- when deciding how broadcast frequencies should be assigned. The Commerce Department, and the other agencies represented on the Federal Government Spectrum Task Force, have no comparable mandate. Thus, one presumably intentional effect of your Initiative is to move frequency allocation decisions *even farther away* from a "public interest" justification than the "new" FCC has already allowed.
- (b) *A shift from independent agency decision-making to direct Presidential control of the decision-making process.* As you might have noticed, the FCC is not under your direct control. As with the courts, "you get one bite at the apple" -- by appointing the people you wish to those positions which are open during your term as President. Unlike the Secretary of Commerce, those individuals who serve on the Commission, whether they are appointed by you or by another President, *do not* serve at your pleasure. Once they are in place, they are in place for the rest of their terms, whether you like what they do or not. We can understand how this might sometimes be frustrating for you, but Congress made the FCC an *independent* agency for a reason -- so that it could make *independent* judgments. By cutting the FCC out of your Spectrum Policy Initiative, you are also functionally evading the intent of the United States Congress that decisions on communications regulation should not be placed, directly or indirectly, into the hands of the President alone.
- (c) *A shift from bi-partisan decision-making to one-party decision-making.* There is only one President of the United States, who traditionally represents only one political party, and all of the Cabinet Secretaries report to him or her. By statute, there are 5 FCC Commissioners, and only 3 of the 5 are allowed to come from the same political party. This requirement assures that all FCC decisions will be made by representatives of *at least* two political parties, and possibly more. By bypassing the FCC, your Initiative bypasses bi-partisanship.

THE AMHERST ALLIANCE is aware, of course, that the Spectrum Policy Initiative has been endorsed by FCC Chairman Michael Powell. Even an FCC Chairman, however, is not empowered to surrender the obligations borne by his Commission under the law of the land.

The FCC has been charged by statutory law to apply a "public interest" standard to regulation of *the public's* airwaves, including the allocation of frequencies which remain legally owned by *the public*, and to do so as the *primary* arbiter of communications regulations rather than a cheerleader for other governmental entities. The FCC has also been charged by statutory law to perform this duty as an *independent* agency, which is *not* under the direct control of the President, and has been further charged by statutory law to shape communications regulation through majority votes of a *bi-partisan* (or even multi-partisan) Commission. These statutory directives should not be, and cannot be, given away by an FCC Chairman -- or taken away by a President of the United States.

2. *Lack of a clear role for everyday Americans in public Hearings and/or Workshops of the Federal Government Spectrum Task Force.* Section 4 of your June 5 Presidential Memorandum indicates that a series of public Workshops will be held by the new Federal Government Spectrum Task Force. Participants, according to your Memorandum, will include "spectrum users, wireless equipment vendors, financial and industry analysts, economists, technologists, and consumer groups". While all of these groups *should* be included, the absence of members of the general public is conspicuous. Everyday Americans -- and also the grassroots, Outside The Beltway advocacy groups, such as Amherst, which speak for them -- should be included in the Workshops as well, not just as members of the audience but as speakers and witnesses in their own right. To facilitate this inclusion, Washington Workshops should be supplemented by Field Hearings out-of-town, "where the people are" ... grassroots activists, both individuals and groups, should be routinely included on the Workshop panels ... and time should be set aside, at each Workshop, to *guarantee* an opportunity for every interested citizen in the audience to testify, briefly, On The Record. If time constraints preclude this, then interested citizens should be able to *reserve* 3 to 5 minutes of *guaranteed* speaking time by signing up to testify in advance of the Workshop, on a "first come, first served" basis.

3. *Possible further reductions of institutional accountability.* Section 2(b) of your June 5 Presidential Memorandum states that one of its goals is "a higher degree of predictability and stability in the management process as it applies to incumbent users". We hope this language is not an oblique reference to longer periods between renewals for FCC-issued licenses. Longer terms would make licensees feel even *less* accountable to the public for how they use those licenses, at a time when *more* accountability is needed.

4. *Possible new "spectrum user fees" for non-commercial broadcasters.* Although the topic is not mentioned in your Presidential Memorandum itself, the final paragraph of the related "Fact Sheet On Spectrum Management" states that your Administration is On The Record in support of Congressional legislation "providing the FCC with new authority to set user fees on unauctioned spectrum licenses".

We respectfully urge you to reconsider your support for this concept.

The reference to "*unauctioned spectrum licenses*" appears to mean that:

- (1) You are talking about *non-commercial* radio and TV stations (since all commercial broadcast licenses are presently awarded by auction);
And
- (2) You are *not* talking about most wireless services (since they are typically allowed to commence operations without the need for an FCC license).

This, in turn, raises 2 questions:

- (1) Why should non-commercial entities, which serve the public, and earn no profit, be treated so similarly to the profit-making broadcasters who are required to place a bid for their commercial radio and TV licenses?
And
- (2) Why should the unlicensed wireless services "get a free ride" for *their* use of the electromagnetic spectrum to make a profit?

Those of us who belong to THE AMHERST ALLIANCE are philosophically opposed to *any* mandatory auctions for *any* radio and TV stations. We favor returning to the earlier policy of awarding *all* radio and TV licenses on the basis of which applicants can best serve "the public interest" -- rather than on the basis of which applicants can come up with the most money to make the highest bid. As the "real world" results of mandatory auctions have demonstrated clearly, over each of the last several years, mandatory auctions inherently favor Big Business Broadcasting, with its deep pockets, over Small Business Broadcasting, with its shallower pockets.

Short of supporting total repeal of the statutory directive for mandatory auctions, we urge your Administration, and Congress, to support at least a statutory exemption from mandatory auctions for small, independently operated commercial radio and TV stations.

We *also* urge your Administration, and Congress, to refrain from making the current situation even worse -- by instituting the kind of "user fees", for non-commercial radio and TV stations, that you have apparently supported to date. If this is farther than you are willing to go, then we ask you to support at least an exemption from "user fees" for small, independently operated non-commercial radio and TV stations (including college radio stations, Low Power FM stations, future Low Power AM stations, non-commercial radio and TV stations managed by local community groups and other relatively modest, independently operated radio and TV stations).

We also take this opportunity to remind you that, in the world of *non-commercial* radio and TV, the equivalent of Big Business Broadcasting is Big Government Broadcasting. If -- as seems almost certain -- spectrum user fees further enhance the competitive advantages of large non-profit broadcasters over smaller non-profit broadcasters, the biggest beneficiaries are likely to be National Public Radio and the Corporation for Public Broadcasting. Think about it. Does your Administration *really* want to silence even more homegrown voices in public radio, and replace them with added outposts for the NPR and CPB "party line", as it is beamed out of Washington?

In any event ...

For the reasons we have stated, Mr. President, we urge you to modify your Spectrum Policy Initiative, and the underlying written documents which will guide it, in order to alleviate the concerns we have expressed in this letter. We further urge Congressional leaders and legislators to maintain careful Congressional oversight of your Spectrum Policy Initiative, with a sustained readiness to step in quickly if the basic framework of the Communications Act of 1934 is being evaded or violated.

Sincerely,

Don Schellhardt
Attorney For THE AMHERST ALLIANCE

CC: Michael Powell
Chairman, FCC

Kathleen Abernathy
Commissioner, FCC

Jonathan Adelstein
Commissioner, FCC

Michael Copps
Commissioner, FCC

Kevin Martin
Commissioner, FCC

Senator Ted Stevens, R-AK
President Pro Tempore of the Senate
And Sponsor, S. 10406

Senator John McCain, R-AZ
Chairman, Commerce, Science & Transportation Committee

Senator Ernest Hollings, D-SC
Ranking Minority Member, Commerce, Science & Transportation Committee
And Ranking Minority Member, Communications Subcommittee
And Sponsor, S. 10406

Senator Conrad Burns, R-MT
Chairman, Communications Subcommittee
And Co-Sponsor, S. 10406

Senator Byron Dorgan, D-ND
Co-Sponsor, S. 1046
And Prospective Sponsor Of More Comprehensive Media Reform Legislation

Senator Michael Crapo, R-ID
Sponsor, S. 537

Representative W.J. "Billy" Tauzin, R-LA
Chairman, House Energy & Commerce Committee

Representative John Dingell, D-MI
Ranking Minority Member, House Energy & Commerce Committee
And Co-Sponsor, H.R. 2052

Representative Fred Upton, R-MI
Chairman, Internet & Communications Subcommittee

Representative Cliff Stearns, R-FL
Vice-Chairman, Internet & Telecommunications Subcommittee

Representative Edward Markey, D-MA
Ranking Minority Member, Internet & Communications Subcommittee
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Representative Bernard Sanders, I-VT
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Representative Michael Bilirakis, R-FL
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Representative Steven Israel, D-NY
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June 10, 2003

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THE AMHERST ALLIANCE ...

"Voices for Choices"

THE AMHERST ALLIANCE is a Net-based, nationwide citizens' advocacy group, founded in Amherst, Massachusetts in 1998. We advocate media ownership diversity.

Amherst's Role In Establishing LOW POWER FM RADIO

Don Schellhardt, Co-Founder of THE AMHERST ALLIANCE and its first National Coordinator, was a Co-Petitioner in a 1997 Petition For Rulemaking which triggered the first FCC deliberations on Low Power Radio. That Petition, with Nickolaus and Judith Leggett as Co-Petitioners, led the FCC to solicit public input in Docket RM-9208.

THE AMHERST ALLIANCE was founded to mobilize and channel public support for Low Power FM and AM Radio. Once the FCC issued its own official proposal for Low Power FM, in Docket 99-25, Amherst was a key "player" in the proceedings.

After the FCC established a Low Power Radio Service in 2000, Amherst helped to defend the new Service against a Congressional counterattack by large, established broadcasters. Amherst lobbied, and testified, against proposed restrictive legislation. Although an anti-LPFM law was enacted, without Hearings or a floor vote in the Senate, during a "lame duck" Session of Congress, Amherst won a partial victory when the House voted to allow LPFM stations in most rural areas and small to mid-sized cities.

Other AMHERST ALLIANCE Initiatives

The Amherst agenda has grown over time. Initiatives since 2000 have included:

- Petition For Rulemaking on spectrum allocation (FCC PRM02ET & 95-31)
- Petition for *comparisons* of Digital Radio systems (FCC PRM02MB & 99-325)
- Request for Environmental Assessment of IBOC Digital Radio (FCC 99-325)
- Petition For Reconsideration of approval of IBOC Digital Radio (FCC 99-325)

THE AMHERST ALLIANCE has also supported:

- *Tighter "caps" on media ownership* (FCC Docket 02-277 and related Dockets)
- *Phased replacement of satellite broadcasts* with local stations (FCC RM-10609)
- *Fair Internet royalties* for small Webcasters (Copyright Office & Congress)